



BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA
TUESDAY, MAY 29, 2012

SUBJECT: Zone Change #635, Text Amendment – Recreational Vehicle Setbacks in Residential Zones – 27-601(a)

THROUGH: Candi Beaudry, AICP, Planning Director

PRESENTED BY: Nicole Cromwell, AICP, Zoning Coordinator, Planner II

REQUEST

This is a zone change that will amend one section of the Unified Zoning Regulations for Billings and Yellowstone County regarding required setbacks for recreational vehicles (RV) parked or stored in driveways in residential zoning districts. The current code requires recreational vehicles to meet the same setbacks as an accessory structure of 20 feet from the front property line and 3 feet from the side property line. The proposed amendment would reduce the front setback from 20 feet to 8 feet and keep the same 3 foot setback to the side or rear property line.

The City Zoning Commission conducted a public hearing on May 1, 2012 and recommended approval to the City Council. The City Council will conduct a public hearing on May 29, 2012. The County Zoning Commission conducted a public hearing on May 14, 2012, and is forwarding a recommendation of approval on a 3-0 vote.

REASONS

The Code Enforcement Division handles complaints on RV setbacks and these have been steadily increasing in the past 4 years. In 2008, there were 426 RV complaints for the entire year and in 2011 we received 715 complaints. Many of these complaints are regarding RVs parked on the street because many residential driveways are not deep enough to accommodate the required 20-foot setback to the property line. The Division averages about 3 to 4 complaints every work day. RVs may be parked on the street if they remain attached to the towing vehicle or if they are self-powered and moved every 5 days. In order to accommodate the increasing demand to park RVs for some period of time in residential zones, the Planning Division is recommending Section 27-601(a) be amended to allow an 8-foot front setback for RVs in residential zones. The current code will still require an RV to be parked or stored in a back yard if there is access to the back yard. An 8-foot front setback will allow many RV owners to park off the street and the reduced setback will not affect public health or safety. There will be enough open area of the driveway to allow safe vehicle maneuvers into and out of the driveway. This amendment will not negate any current or future private subdivision covenants and restrictions. The county does not enforce these private covenants and restrictions.

RECOMMENDATION

The Zoning Commission voted 3-0 to recommend approval of Zone Change #635.

ZONING COMMISSION PUBLIC HEARING AND DISCUSSION

The Zoning Commission conducted a public hearing on this application on May 14, 2012. Planning staff provided testimony on the proposed text amendment. There was no other public testimony.

Vice Chairman Al Littler called for questions and discussion by the members of the Commission. There were no questions from the Board. The Zoning Commission moved to recommend approval to the Board of County Commissioners on a 3-0 vote.

RECOMMENDATION

The Zoning Commission recommends approval of Zone Change #635 on a 3-0 vote.

ATTACHMENTS

Attachment A: Draft Resolution

Attachment A – Resolution Zone Change #635

Final Resolution 12-_____

A RESOLUTION TO AMEND THE UNIFIED ZONING REGULATIONS
FOR THE CITY OF BILLINGS AND YELLOWSTONE COUNTY
JURISDICTIONAL AREA BY REVISING SECTION 27-601 (a) –
PARKING AND STORAGE RESTRICTIONS TO DELETE LANGUAGE
AND ADD LANGUAGE TO CLARIFY THE REGULATION AND
ADOPT THE REVISION AS AN AMENDMENT TO THE ZONING
REGULATIONS

WHEREAS, pursuant to Title 76, Chapter 2, Montana Code Annotated, the Board of County Commissioners of Yellowstone County, Montana, held a public hearing and adopted a resolution of intent on the 24th day of April, 2012, on the following proposed amendments and additions to the City of Billings – Yellowstone County Unified Zoning Regulations.

Section 1. That the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be amended by revising Section 27-601 (a) as follows:

Sec. 27-601. Parking and Storage Restrictions.

- (a) **Residential.** The following standards for off-street parking and storage shall apply in all residential zoning districts and on property that is developed for residential use.

6. Open storage and off-street parking of licensed and operable recreational vehicles including but not limited to snowmobiles, boats, and campers, all-terrain vehicles, off-road motorcycles, and sport/utility trailers is an allowed accessory use in any rear yard. Open storage and off-street parking of licensed and operable recreational vehicles is an allowed accessory use in a front or side yard only if there is no access to a rear yard. Within the Billings city limits open storage and off-street parking of licensed and operable recreational vehicles in a front or side yard shall be on a surface prepared with asphalt or concrete. Open storage of licensed and operable recreational vehicles in a rear yard may be on any type of surface. Open storage and off-street parking of licensed and operable recreational vehicles in any yard shall provide at least a five (5) foot separation between such recreational vehicle and any door, window or other opening of a dwelling or accessory building that provides ventilation or access to the structure. Open storage and off-street parking of licensed and operable recreational vehicles in any yard shall provide setbacks to property lines at a minimum of three (3) feet to a side or rear property line and eight (8) feet from the back of a sidewalk. If no sidewalk exists, all measurements shall be made from the front and side adjacent to street property lines. equal to or greater than accessory building zoning code setback requirements.

WHEREAS, the Board of County Commissioner received and considered the recommendations of the City/County Planning staff and the Yellowstone County Zoning Commission on the proposed amendment and additions.

NOW, THERFORE, BE IT RESOLVED that it is the intent of the Board of County Commissioners that the above-described amendment to the Unified Zoning Regulations for the City of Billings and Yellowstone County Jurisdictional Area be adopted.

PASSED AND ADOPTED by the Board of County Commissioners of Yellowstone County, Montana, this 3rd day of July, 2012.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chairman

James E. Reno, Member

Bill Kennedy, Member

(SEAL)
ATTEST:

Jeff Martin
Clerk and Recorder